

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCESTransfer No. 73922

75197

## APPLICATION FOR TRANSFER OF WATER RIGHT

Amended

Name of Applicant GREG & SUSAN SIMSPhone (208) 209-3049Mailing address 7530 RIVER FRONT DR.Email GREG@FIDOFRIENDLY.COM

## A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use☐ Change nature of use ☐ Change period of use ☒ Other OWNERSHIP SPLIT2. Describe the reason for the proposed changes SPLIT WATER RIGHT INTO ACRES THAT I OWN. ALSO, ADD MY OWN POINT OF DIVERSION.

## B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

| 1. Right Number | Priority         | Amount (cfs/ac-ft) | Nature of Use     | Period of Use               |
|-----------------|------------------|--------------------|-------------------|-----------------------------|
| <u>02-10331</u> | <u>1/19/1949</u> | <u>.04 CFS</u>     | <u>IRRIGATION</u> | <u>3-15</u> to <u>11-15</u> |
| <u>(PART)</u>   |                  |                    |                   | to                          |
|                 |                  |                    |                   | to                          |
|                 |                  |                    |                   | to                          |

2. Total amount of water being transferred .04 CFS cubic feet per second and/or \_\_\_\_\_ acre-feet per annum.3. Source of water SNAKE RIVER tributary to COLUMBIA RIVER

4. Point(s) of Diversion:

| Lot       | 1/4 | 1/4       | 1/4       | Sec       | Twp       | Rge       | County        | Local name for diversion |
|-----------|-----|-----------|-----------|-----------|-----------|-----------|---------------|--------------------------|
| <u>23</u> |     | <u>NW</u> | <u>SW</u> | <u>23</u> | <u>2N</u> | <u>4W</u> | <u>OWYHEE</u> | <u>PUMP</u>              |
|           |     |           |           |           |           |           |               |                          |
|           |     |           |           |           |           |           |               |                          |
|           |     |           |           |           |           |           |               |                          |

5. Lands irrigated or place of use:

| Twp       | Rge       | Sec       | Twp 24 |    |    |    | Twp 24 |    |    |    | Twp 24 |            |    |    | Twp 24 |    |    |    | Totals     |
|-----------|-----------|-----------|--------|----|----|----|--------|----|----|----|--------|------------|----|----|--------|----|----|----|------------|
|           |           |           | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW         | SW | SE | NE     | NW | SW | SE |            |
| <u>2N</u> | <u>4W</u> | <u>23</u> |        |    |    |    |        |    |    |    |        | <u>1.8</u> |    |    |        |    |    |    | <u>1.8</u> |
|           |           |           |        |    |    |    |        |    |    |    |        | <u>23</u>  |    |    |        |    |    |    |            |
|           |           |           |        |    |    |    |        |    |    |    |        |            |    |    |        |    |    |    |            |
|           |           |           |        |    |    |    |        |    |    |    |        |            |    |    |        |    |    |    |            |
|           |           |           |        |    |    |    |        |    |    |    |        |            |    |    |        |    |    |    |            |
|           |           |           |        |    |    |    |        |    |    |    |        |            |    |    |        |    |    |    |            |
|           |           |           |        |    |    |    |        |    |    |    |        |            |    |    |        |    |    |    |            |
|           |           |           |        |    |    |    |        |    |    |    |        |            |    |    |        |    |    |    |            |
|           |           |           |        |    |    |    |        |    |    |    |        |            |    |    |        |    |    |    |            |
|           |           |           |        |    |    |    |        |    |    |    |        |            |    |    |        |    |    |    |            |

Total Acres 1.8

**PART 1**

6. General Information:

a. Description of diversion system IN-STREAM PUMP FROM SNAKE RIVER  
DISCHARGED TO BURIED SPRINKLER SYSTEM.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?  
 Yes ☒ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:  
NO CHANGE.

d. Remarks:

**ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES**

This is to certify that I have examined Application for Transfer of Water Rights No. \_\_\_\_\_

And the said application is hereby \_\_\_\_\_, subject to the following conditions:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
 For the Director

**STATE OF IDAHO**  
**DEPARTMENT OF WATER RESOURCES**

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 2**

(Attach one copy for each right) *(SEE ATTACHED)*

**A. DESCRIPTION OF RIGHT AS RECORDED****1. Right as evidenced by:**

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. 2-10331 on file with the Idaho Department of Water Resources.

**2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:**☐ Tax Notice☒ Warranty Deed☐ Other \_\_\_\_\_**3. Source of water**

tributary to \_\_\_\_\_

**4. Date or priority** \_\_\_\_\_**5. Water is used for the following purposes:**

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

**6. Total amount of water under right** \_\_\_\_\_ **cubic feet per second and/or** \_\_\_\_\_ **acre-feet per annum****7. Point(s) of Diversion:**

| Lot | 1/4 | 1/4 | 1/4 | Sec | Twp | Rge | County | Local name for diversion |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
|     |     |     |     |     |     |     |        |                          |
|     |     |     |     |     |     |     |        |                          |
|     |     |     |     |     |     |     |        |                          |

**8. Land irrigated or place of use:**

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres \_\_\_\_\_

9. Describe any other water rights used for the same purpose as described above RIGHTS 02-7463 & 02-2077B  
DIVERTED FROM SAME POINT OF DIVERSION (AS PER WATER RIGHTS)

## PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe \_\_\_\_\_

**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount .04 cfs for IRRIGATION purposes from 3-15 to 11-15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

- 2. Point(s) of Diversion:**

[illegible]

3. Lands irrigated or place of use:

[illegible]

Total Acres 1.5

**C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT** (omit if there is no change)

REMAINDER \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

- — — — —

[illegible]

- 5.
- Lands irrigated or place of use:**

[illegible]

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1. Clearly depict the land by section, township and range number.

The form consists of a large grid of squares, each representing a section of land. The grid is 10 squares wide and 10 squares high. In the center of the grid, the text "(SEE ATTACHMENT #B)" is handwritten in ink. The grid is used for drawing a map or attaching a USGS map indicating the new point(s) of diversion and/or the new place of use for the rights described in part 1.

Scale: 2 inches equal 1 mile. Draw plan in ink.

### PART 3

#### B. CHANGES IN NATURE OF USE

1. \_\_\_\_\_ to \_\_\_\_\_  
 \_\_\_\_\_ to \_\_\_\_\_

2. Quantity and quality of return flows and location of discharge:

\_\_\_\_\_

\_\_\_\_\_

3. Describe effects on other water uses resulting from the proposed change:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

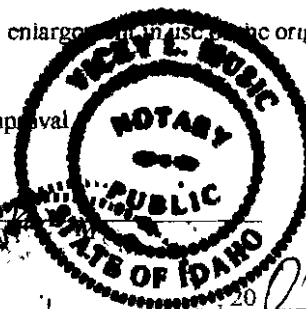
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Gregory A. Harris  
 (Signature of Applicant)

Seamus Seamus  
 Print Name (and title, if applicable)

Subscribed and sworn to before me this 21

day of May



(Notary Public)

My commission expires 1-21-2012

#### FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and 2 attachments

Received by VICKI MURGIC

Date 5-8-2008

Protest filed by \_\_\_\_\_

Prelim. Check by VLM

Fee \*see orig app & transfer NUMD apply receipt COB2114 to transfer fee

Received by AMB

Date 5-16-09

Published in \_\_\_\_\_

Copies of protest forwarded by \_\_\_\_\_

Pub. Dates \_\_\_\_\_

Hearing held by \_\_\_\_\_ Date \_\_\_\_\_

Watermaster recommendations requested on \_\_\_\_\_

Recommended for ☐ approval ☐ denial

received \_\_\_\_\_

by \_\_\_\_\_

Copy of transfer sent to lien holder \_\_\_\_\_

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 2-10331 V1

WATER RIGHT NUMBER: 2-10331 V1

| <u>Owner Type</u> | <u>Name and Address</u>                                                                                    |
|-------------------|------------------------------------------------------------------------------------------------------------|
| Original Owner    | ESTATE OF ESTHER F ASHE<br>C/O JACK HURT<br>4470 VEGAS VALLEY #108<br>LAS VEGAS, NV 89121<br>(702)457-3477 |
| Current Owner     | VANCE VAN HALL<br>RT 1 BOX 16<br>MARSING, ID 83639<br>(208)896-4848                                        |

Priority Date: 01/19/1949

Basis: License

Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| SNAKE RIVER   | COLUMBIA RIVER   |

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/15 to 11/15          | 1.960 CFS             | 418.61 AF            |
|                       | <u>Total Diversion:</u> | 1.960 CFS             | 418.61 AF            |

Location of Point(s) of Diversion

|               |                       |                                 |
|---------------|-----------------------|---------------------------------|
| SNAKE RIVER   | L4 (NE1/4SE1/4SW 1/4) | Sec. 23, Twp 02N, Rge 04W, B.M. |
| OWYHEE County |                       |                                 |

Place of UseIRRIGATION Within OWYHEE County

|                          |      |                          |      |      |
|--------------------------|------|--------------------------|------|------|
| T02N R04W S23 Lot 3 NWSW | 55.0 | T02N R04W S23            | SWSW | 33.0 |
| T02N R04W S23 Lot 4 SESW | 23.5 | T02N R04W S26 Lot 1 NENW |      | 17.0 |
| Total Acres: 128.5       |      |                          |      |      |

Conditions of Approval:

1. C05 Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.
2. K06 This right is limited to the irrigation of 92.6 acres within the place of use described above in a single irrigation season.
3. S47 The use of water for irrigation under this right may begin as early as March 1 provided other elements of the right are not exceeded. The use of water before March 15 under this remark is subordinate to all water rights having no subordinated early irrigation use and a priority date earlier than the date a partial decree is entered for this right.
4. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
5. X36 Rights 2-7463 and 2-2077B are also diverted through the point of diversion described above.
6. C03 Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

Part 2 A

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 2-10331 V1

7. This right is a split from former right 2-10257.
8. R69 This right when combined with all other rights shall provide no more than 0.03 cfs per acre nor more than 4.5 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

Comments:

1. dshaff 3/19/2007 Change Owner Split  
Comment: Split by change in ownership

Water Supply Bank:

Part 2 A



A Pioneer Company  
**PIONEER TITLE COMPANY**  
 OF ADA COUNTY  
 8151 W. Rifleman Ave. / Boise, Idaho 83704  
 (208) 377-2700

**Instrument # 249791**  
 MURPHY, OWYHEE, IDAHO  
 2004-11-01 04:27:06 No. of Pages: 1  
 Recorded for: PIONEER TITLE COMPANY  
 CHARLOTTE SHERBURN  
 Ex-Officio Recorder Deputy *C. Nettleton* Fee: 3.00  
 Index to DEED CORPORATION WARRANTY

READ AND APPROVED BY \_\_\_\_\_

## CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

Roman Catholic Diocese of Boise an Idaho Single Director Corporation

a corporation duly organized and existing under the laws of the State of Idaho, grantor, does hereby Grant, Bargain, Sell and Convey unto

Gregory S. Sims and Susan M. Sims, Husband and Wife

whose address is: 966 East Sutton Drive, Fresno, CA 93720, grantee, the following described real estate, to-wit:

Lot 2, Block 1 of HIDDEN VALLEY ESTATES SUBDIVISION, Owyhee County, Idaho, according to the Plat thereof filed February 16, 1995 as Instrument No. 214934, records of Owyhee County

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision, restrictions, U.S. patent reservations, easements of record and easements visible upon the said premises.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, The Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its officers this 25th day of October, 2004.

Roman Catholic Diocese of Boise

By: *R. Dennis Wassmuth*

Roman Catholic Diocese of Boise  
 A single Director Idaho Corporation

*R. Dennis Wassmuth*  
 Vicar General

STATE OF IDAHO, County of Ada, ss.

On this 28th day of October, in the year of 2004, before me Susan J. Merritt, a notary public, personally appeared Dennis Wassmuth known or identified to me to be the Vicar General of the corporation that executed the instrument or the person/persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.



*Sharlot Baker*  
 Sharlot Baker  
 Notary Public of Idaho  
 Residing at Boise, ID  
 Commission expires: July 31, 2007

Attachment A

